

HOUSE FILE _____
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for family military leave from employment for
2 certain relatives of individuals called to active military
3 service and providing a remedy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1195HH 83
6 ec/nh/14

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1 1 Section 1. NEW SECTION. 29A.110 CITATION.
1 2 This subchapter shall be known and may be cited as the
1 3 "Iowa Family Military Leave Act".
1 4 Sec. 2. NEW SECTION. 29A.111 DEFINITIONS.
1 5 As used in this subchapter, unless the context otherwise
1 6 requires:
1 7 1. "Employee" means any person employed by an employer.
1 8 2. "Employee benefits" means all benefits, other than
1 9 salary and wages, provided or made available to employees by
1 10 an employer and includes group life insurance, health
1 11 insurance, disability insurance, and pensions, regardless of
1 12 whether the benefits are provided by a policy or practice of
1 13 the employer.
1 14 3. "Employer" means the state of Iowa or any political
1 15 subdivision, board, commission, department, institution, or
1 16 school district thereof, and every other person who regularly
1 17 employs at least six employees within the state.
1 18 4. "Family military leave" means time off from work
1 19 requested by an employee to ease the transition of a family
1 20 member who is called into or returning from duty in the armed
1 21 forces of the United States.
1 22 Sec. 3. NEW SECTION. 29A.112 FAMILY MILITARY LEAVE.
1 23 1. An employer shall allow an employee to take family
1 24 military leave as provided in this section if all of the
1 25 following conditions are met:
1 26 a. The employee has been employed by the employer for at
1 27 least twelve months and for at least one thousand two hundred
1 28 fifty hours during the twelve-month period immediately
1 29 preceding the commencement of family military leave.
1 30 b. The employee is the parent or spouse of an individual
1 31 who is a member of the reserve components of the armed forces
1 32 of the United States or the national guard and who is called
1 33 into active federal duty in the armed forces of the United
1 34 States for a period of at least one hundred twenty consecutive
1 35 days at a location more than two hundred fifty miles from the
2 1 residence of the parent or spouse.
2 2 c. The employee gives at least seven days' notice, or, for
2 3 an employee requesting family military leave prior to the date
2 4 of deployment, such advance notice as is practicable, to the
2 5 employer of dates that the employee intends to take family
2 6 military leave.
2 7 d. The dates of the requested family military leave fall
2 8 within either of the following deployment-related periods:
2 9 (1) During a predeployment period, which commences two
2 10 weeks before and ends one week after the date of deployment of
2 11 the employee's spouse or child.
2 12 (2) During a postdeployment period, which commences one
2 13 week before and ends two weeks after the date the deployment
2 14 of the employee's spouse or child ends. For purposes of this
2 15 subparagraph, the deployment of an employee's spouse or child
2 16 ends upon the date the deployment is completed or the date the
2 17 spouse or child dies or incurs a serious injury preventing the
2 18 completion of the deployment.

2 19 e. The employee has exhausted all accrued leave and
2 20 compensatory time available to the employee, other than sick
2 21 and disability leave.

2 22 2. The maximum family military leave allowed for an
2 23 eligible period of military service is twenty-one days.
2 24 However, no more than fourteen days of family military leave
2 25 shall be allowed during the predeployment or postdeployment
2 26 period.

2 27 3. An employer may require an employee requesting family
2 28 military leave under this section to provide certification
2 29 from the proper military authority to verify the employee's
2 30 eligibility.

2 31 Sec. 4. NEW SECTION. 29A.113 EMPLOYER AND EMPLOYEE
2 32 DUTIES, RIGHTS, AND RESPONSIBILITIES.

2 33 1. An employer shall continue to provide existing employee
2 34 benefits to the employee during family military leave. The
2 35 employee shall be responsible for the same proportion of the
3 1 cost of such benefits as the employee paid before the leave
3 2 period. The employer is not required to pay salary or wages
3 3 to the employee while on family military leave.

3 4 2. Upon expiration of an employee's family military leave,
3 5 the employer shall restore the employee to the position held
3 6 by the employee when the leave commenced or to a position with
3 7 at least equivalent seniority, benefits, pay, and other terms
3 8 and conditions of employment.

3 9 3. An employer shall not discharge, fine, suspend, expel,
3 10 discipline, or discriminate against an employee with respect
3 11 to any term or condition of employment because of the
3 12 employee's actual or potential exercise, or support for
3 13 another employee's exercise, of any right under this
3 14 subchapter. This section does not prevent an employer from
3 15 taking employment action that is independent of the exercise
3 16 of a right under this subchapter.

3 17 4. An employer shall not deprive an employee who takes
3 18 family military leave of any employee benefit that accrued
3 19 before the date the family military leave begins.

3 20 5. This subchapter does not affect an employer's
3 21 obligation to comply with any collective bargaining agreement
3 22 or employee benefit plan that provides greater leave rights to
3 23 employees than provided under section 29A.112.

3 24 6. An employer shall not require an employee to waive
3 25 rights under this subchapter and shall not interfere with,
3 26 restrain, or deny the exercise or attempted exercise of a
3 27 right provided under this subchapter. In addition, an
3 28 employee's rights under this subchapter cannot be waived or
3 29 diminished under a term in a collective bargaining agreement
3 30 or employee benefit plan that takes effect on or after July 1,
3 31 2009.

3 32 Sec. 5. NEW SECTION. 29A.114 ENFORCEMENT.

3 33 A civil action to enforce this subchapter may be brought by
3 34 any employee in a district court having jurisdiction. The
3 35 court may enjoin any act or practice that violates or may
4 1 violate this subchapter, may award court costs and reasonable
4 2 attorney fees, and may order any other equitable relief that
4 3 is necessary and appropriate to redress the violation or to
4 4 enforce this subchapter.

4 5 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 6 3, shall not apply to this Act.

4 7 EXPLANATION

4 8 This bill establishes a family military leave Act.

4 9 The bill provides that the spouse or parent of an
4 10 individual in the national guard or reserves who is ordered to
4 11 active federal duty for a period of at least 120 days at a
4 12 location more than 250 miles away from the spouse or parent
4 13 may take unpaid time off from work for up to 21 days.
4 14 However, the bill provides that of the 21 days of unpaid time
4 15 off allowed, no more than 14 days shall be allowed during the
4 16 predeployment or postdeployment period of the eligible period
4 17 of service. The requirements apply to public and private
4 18 employers in this state with at least six employees and is
4 19 available to employees who have been employed by the employer
4 20 for at least 12 months and who have been employed for at least
4 21 1,250 hours during the 12-month period preceding the requested
4 22 leave. The bill provides that the unpaid time off can be
4 23 taken within two weeks before or one week after the employee's
4 24 spouse's or child's deployment date or one week before or two
4 25 weeks after the employee's spouse's or child's deployment
4 26 ends. The bill provides that the deployment ends when the
4 27 deployment is completed or the military member dies or is
4 28 seriously injured. The bill requires the employee to provide
4 29 notice before taking leave and to have exhausted all accrued

4 30 leave and compensatory time available. The bill requires
4 31 employers to maintain an employee's status during the period
4 32 of leave and to not take adverse action against an employee
4 33 for exercising their rights under the bill. The bill further
4 34 provides that leave rights granted under the bill cannot be
4 35 waived by an employee. The bill provides that a civil action
5 1 may be brought to enforce an employee's rights under the bill
5 2 and to seek equitable relief.
5 3 The bill may include a state mandate as defined in Code
5 4 section 25B.3. The bill makes inapplicable Code section
5 5 25B.2, subsection 3, which would relieve a political
5 6 subdivision from complying with a state mandate if funding for
5 7 the cost of the state mandate is not provided or specified.
5 8 Therefore, political subdivisions are required to comply with
5 9 any state mandate included in the bill.
5 10 LSB 1195HH 83
5 11 ec/nh/14.1